

REMARKS

The Office Action dated January 24, 2008 has been received and carefully considered. Reconsideration of the outstanding rejection in the present application is respectfully requested based on the following remarks.

Double Patenting Rejection of Claims 1-46

At page 14 of the Office Action claims 1-46 are provisionally rejected on the ground of non-statutory double patenting over claims 1-64 of copending Application Number 10/869,165. As indicated in Applicant's Response to Non-Final Office Action submitted October 24, 2007 (hereinafter "the Previous Response"), Applicant respectfully traverses the rejection, and in light of the fact that the rejection is provisional, Applicant declines to file a terminal disclaimer at this time. Applicant will revisit the filing of a terminal disclaimer when the scope of the claims of the copending application is finalized.

§112 Rejection of Claims 1-46

At page 15 of the Office Action, claims 1-46 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is hereby respectfully traversed.

With respect to claims 1, 7, and 18, and the claims respectively dependent thereon, the Office Action asserts at page 15 that the elements "appliance operating system dedicated to control the information handling device to operate a subset of the one or more appliances" are indefinite because the appliance operating system is used for multiple functions, and therefore "it is not apparent how the appliance operating system is dedicated." *Office Action*, page 5. Applicant respectfully disagrees. According to Section 2173.02 of the MPEP, "The test for definiteness under 35 U.S.C. 112, second paragraph, is whether 'those skilled in the art would understand what is claimed when the claim is read in light of the specification.'" (quoting *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986)). Further, "[s]ome latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire." MPEP § 2173.02.

As explained in the Previous Response, with respect to claim 1, one skilled in the art would understand that the term “dedicated” refers to an appliance operating system that controls only a subset of appliances available to an information handling device, and contrasts with the term “general”, which refers to an operating system that can control all of the components of the information handling device. This understanding of one skilled in the art is fully supported by the Specification at, for example, page 5 (“A general operating system located in a mass storage device, such as hard drive 140 of information handling device 100, controls general purpose computing tasks, such as running application programs, as needed”), page 6 (“Entertainment operating system 172 can be selected for controlling one or more of the media handling devices 120 with CPU 110 in information handling device 100. Entertainment operating system 172 is loaded to enable only the components of information handling device 100 that are needed for controlling the selected media handling devices 120”), and page 8 (“Despite the addition of quick-loading appliance specific operating systems, such as appliance operating system ROMs 170, a general operating system can be stored in a mass storage device, such as hard drive 140. If a user needs to control a separate appliance, or needs to perform other tasks, not covered by appliance operating system ROMs 170, the user can select to run a general operating system”).

With respect to claims 7 and 18, the claims do not use the term “dedicated”, but instead refer to a “general operating system” and an “appliance operating system.” For reasons similar to those set forth above with respect to claim 1, Applicant respectfully submits that one skilled in the art would understand these features of claim 7 and claim 18.

At pages 16-17 of the Office Action, the Office asserts that the terms “general operating system” and “general information handling system” of claims 1 and 7 are indefinite because they are relative terms. However, under MPEP § 2173.05(b), relative terms in a claim are permissible so long as “one of ordinary skill in the art would understand what is claimed, in light of the specification.” In this case, for reasons similar to those set forth above, one skilled in the art would understand the features of a “general operating system” and a “general information handling system. In addition, the Office’s assertion of indefiniteness relies upon a portion of the Specification of the present application that states “while a general operating system would be limited to controlling the built in CD player.” *Office Action*, page 17 (citing the *Specification*, page 7, lines 13-14). However, as explained in the Previous Response, the passage of the

Specification cited by the Office reads in full as follows “In one embodiment, entertainment operating system 172 can control either the built in CD player, or the second CD player that is part of home theater 187, while a general operating system would be limited to controlling the built in CD player.” *Specification*, page 7, lines 11-14. Thus, in light of the Specification, one skilled in the art would understand that a general operating system is a system that controls all the components of an information handling system, but in some embodiments may not control peripheral appliances that can be controlled by a dedicated appliance operating system. Accordingly, the terms “general operating system” and “general information handling tasks” are not indefinite.

At page 17 of the Office Action, the Office asserts that the elements “executing ...operating systems concurrently” as set forth in claim 4, 22, and 26 are indefinite because “it is not apparent how the general operating system can perform general information tasks when the other appliance operating system is having its turn.” *Office Action*, page 17 (emphasis in original). The Office Action acknowledges at page 18 that there are a variety of techniques that support concurrently executing operating systems, but asserts that claims 4, 22, and 26 are indefinite because the “applicant failed to support how the claimed invention, and which technique in the specification, supports how the general operating system can perform general information tasks when the other appliance operating system is having its turn and when the general operating system is waiting for its turn during concurrent processing.” *Office Action*, page 18. Applicant respectfully submits that, as acknowledged by the Office, there are a variety of techniques for concurrently executing operating systems, whether by virtualization, multi-threaded processing, multi-core and multi-processor execution techniques, and other methods. Applicant further submits that one skilled in the art would understand that these techniques allow for the concurrently executing operating systems to perform their associated tasks.

In addition, to the extent the Office at page 18 of the Office Action relies upon the features of claim 3 to support its assertion of indefiniteness with respect to claim 4, Applicant respectfully submits that claim 4 does not depend from claim 3, and therefore any alleged inconsistency between claims 3 and 4 does not render either claim indefinite.

For the reasons set forth above, Applicant respectfully requests withdrawal of the indefiniteness rejection of claims 1-46, as well as reconsideration of the claims.

Obviousness Rejection of Claims 1-4, 6, 11-14, 16-27, and 41-43

At page 19 of the Office Action, claims 1-4, 6, 11-14, 16-27, and 41-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,269,409 to Solomon, (hereinafter Solomon) in view of United States Patent No. 6,763,458 to Watanabe et al., (hereinafter Watanabe). This rejection is hereby respectfully traversed.

The obviousness rejection relies on the combination of Solomon and Watanabe. As explained in the Previous Response, Applicant respectfully submits that one skilled in the art would not make this combination because such combination would render Solomon unsuitable for its intended purpose, and because there would be no reasonable expectation of success in making the combination. In particular, the proposed combination of references would render Solomon unsatisfactory for its intended purpose of providing a scheme to allow a computer to run multiple operating systems *concurrently*.

The Office responds at pages 5 of the Office Action that “there is no need to combine the system as applicant suggested (and/or irrelevant pieces) of Watanable [sic] with Solomon because the Watanable is relied upon to demonstrate the well-known concept/feature of using dedicated software” (emphasis in original). However, Applicant respectfully submits that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.” MPEP § 2141.02 (citing W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)). Thus, there are no “irrelevant pieces” of the cited references for purposes of determining whether one skilled in the art would make the proposed combination. The Office’s proposed combination of only selected portions of the cited references is merely an improper hindsight reconstruction of the claimed features. As explained in the Previous Response, considering the cited references *in their entirety* would lead one skilled in the art to not make the proposed combination, because such combination would render Solomon unsuitable for its intended purpose of allowing a computer to run multiple operating systems

concurrently. Thus, considering each of the cited references in their entirety, one skilled in the art would not combine the references as proposed by the Office.

In view of the foregoing, Applicant respectfully submits that the obviousness rejection of claims 1-4, 6, 11-14, 16-27 and 41-43 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 5, 7-10, 15, 28-40, and 44-46

At page 19 of the Office Action, claims 5, 7-10, 15, 28-40, and 44-46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Solomon and Watanabe in view of “Official Notice.” This rejection is hereby respectfully traversed. As explained above, one skilled in the art would not combine Solomon and Watanabe, and therefore their combination cannot form the basis of an obviousness rejection. In addition, as explained in the Previous Response, Applicant respectfully traverses the Office’s assertion that features of claims 5, 7-10, 15, 28-40 and 44-46 are well known and expected in the art.

In view of the foregoing, Applicant respectfully submits that the obviousness rejection of claims 5, 7-10, 15, 28-40 and 44-46 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 1-4, 6, 11-14, 16-28, and 41-43

At page 19 of the Office Action, claims 1-4, 6, 11-14, 16-28, and 41-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,615,303 to Endo et al., (hereinafter Endo) in view of Watanabe. This rejection is hereby respectfully traversed.

As explained in the Previous Response, one skilled in the art would not combine Endo and Watanabe as proposed by the Office, because doing so would render Endo unsuitable for its intended purpose. In particular, if the system of Watanabe, were combined with the system of Endo it would render Endo unsatisfactory for its intended purpose of providing a scheme to allow input and output devices to be operated by a computer that is running multiple operating systems *concurrently*.

The Office responds at page 8 that “there is no need to combine the system as applicant suggested (and/or irrelevant pieces) of Watanabe with Endo because the Watanabe is relied upon to demonstrate the well-known concept/feature of using dedicated software” (emphasis in original). However, as explained above, each of the cited references in the proposed combination must be considered in their entirety. In this case, considering the cited references in their entirety, and as explained in the Previous Response, one skilled in the art would not make the proposed combination of references.

In view of the foregoing, Applicant respectfully submits that the obviousness rejection of claims 1-4, 6, 11-14, 16-28 and 41-43 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 5, 7-10, 15, 29-40, and 44-46

At page 19 of the Office Action, claims 5, 7-10, 15, 29-40, and 44-46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Endo and Watanabe in view of “Official Notice.” This rejection is hereby respectfully traversed. As explained above, there is no motivation to combine Endo and Watanabe, and therefore their combination cannot form the basis of an obviousness rejection. In addition, as explained in the Previous Response, Applicant respectfully traverses the Office’s assertion that features of claims 5, 7-10, 15, 29-40 and 44-46 are well known and expected in the art.

In view of the foregoing, Applicant respectfully submits that the obviousness rejection of claims 5, 7-10, 15, 29-40 and 44-46 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 1-4, 6, 11-28, and 41-43

At page 20 of the Office Action, claims 1-4, 6, 11-28, and 41-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Endo in view of United States Patent No. 6,363,488 to Ginter et al., (hereinafter Ginter). This rejection is hereby respectfully traversed.

As explained in Applicant’s Response to Office Action filed November 17, 2006, one skilled in the art would not combine Endo and Ginter, because doing so would render Endo unsuitable for its intended purpose. In particular, combining Ginter with Endo would render

Endo unsuitable for its intended purpose of providing a scheme to allow input and output devices to be operated by a *single computer system* that is running multiple operating systems concurrently. Accordingly, one skilled in the art would not combine Ginter and Endo.

The Office responds at page 10 that Ginter is relied upon only to show the purportedly well-known concept of dedicated software. However, as explained above, each reference in the proposed combination must be considered in its entirety. Accordingly, considering each reference in its entirety, one skilled in the art would not make the proposed combination of Endo and Ginter.

In view of the foregoing, Applicant respectfully submits that the obviousness rejection of claims 1-4, 6, 11-28 and 41-43 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 5, 7-10, 29-40, and 44-46

At page 20 of the Office Action, claims 5, 7-10, 29-40, and 44-46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Endo et al. and Ginter et al. in view of “Official Notice”. This rejection is hereby respectfully traversed. As explained above, there is no motivation to combine Endo and Ginter, and therefore their combination cannot form the basis of an obviousness rejection. In addition, as explained in the Previous Response, Applicant respectfully traverses the Office’s assertion that features of claims 5, 7-10, 15, 29-40 and 44-46 are well known and expected in the art.

In view of the foregoing, Applicant respectfully submits that the obviousness rejection of claims 5, 7-10, 29-40 and 44-46 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 1-4, 6, 11-14, 16-27, and 41-43

At page 20 of the Office Action, claims 1-4, 6, 11-14, 16-27, and 41-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,823,458 to Lee et al., (hereinafter Lee) in view of Watanabe. This rejection is hereby respectfully traversed.

As explained in the Previous Response, one skilled in the art would not combine Lee and Watanabe, because doing so would render Lee unsuitable for its intended purpose. In particular, the proposed combination of references would render Lee unsatisfactory for its intended purpose of providing a scheme to share resources when multiple operating systems are running concurrently. Accordingly, one skilled in the art would not combine the references, and their combination cannot support an obviousness rejection.

The Office responds at page 12 that 10 that Watanabe is relied upon only to show the purportedly well-known concept of dedicated software. However, as explained above, each reference in the proposed combination must be considered in its entirety. Accordingly, considering each reference in its entirety, one skilled in the art would not make the proposed combination of the cited references.

In view of the foregoing, Applicant respectfully submits that the obviousness rejection of claims 1-4, 6, 11-14, 16-27 and 41-43 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 5, 7-10, 15, 28-40, and 44-46

At page 20 of the Office Action, claims 5, 7-10, 15, 28-40, and 44-46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee and Watanabe in view of “Official Notice”. This rejection is hereby respectfully traversed. As explained above, there is no motivation to combine Lee and Watanabe, and therefore their combination cannot form the basis of an obviousness rejection. In addition, as explained in the Previous Response, Applicant respectfully traverses the Office’s assertion that features of claims 5, 7-10, 15, 28-40 and 44-46 are well known and expected in the art.

In view of the foregoing, Applicant respectfully submits that the obviousness rejection of claims 5, 7-10, 28-40 and 44-46 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Conclusion

The Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is

respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-0441.

Respectfully submitted,

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